

REMARKS

Claims 1-29 are pending in the application and are presented for reconsideration. Claims 19-29 are withdrawn from consideration and the traversal to the requirement for restriction was finally rejected in the Final Office Action. However, claims 19-29 have not been cancelled, because the examiner indicated that if allowable subject matter is indicated "when allowable subject matter is indicated, the claims can be rejoined upon applicants request." Page 3, paper number 13. Nevertheless, in order to be fully responsive, in the event that the claims are not found to be allowed by the examiner, authorization is hereby granted to cancel claims 19-29.

The specification stands objected to because the examiner was not able to find support for changing a term from "nanocomposite" to "composite". The examiner requested applicants to provide page numbers reciting the term "composite" in order to provide support for this term. Accordingly, the examiner's attention is drawn to pages 3: 15; 3:16; 3:24; 4:5; 4:1; 4:13; 6:20; 19:7; 19:8; 19:30; 20:19; 20:23; 20:30; 21:13; 21:15; 21:17; 21:20; 22:17; 22:19; 22:27; 23:3; 26:2; 26:12; 26:16 and 26:36. Applicants respectfully request withdrawal of the objection to the specification as the specification is replete with citations to a composite.

The abstract is objected to because the abstract is not attached to a separate sheet of paper. The applicants respectfully request withdrawal of this objection because the abstract is attached as a separate piece of paper to this response. *now it is.*

Applicants respectfully request that the requirement for terminal disclaimer be held in abeyance until allowable subject matter is found between co-pending applications and in the event that the co-pending application is in condition for allowance before the instant invention.

The claims (presumably claim 16) stand rejected under 35 U.S.C. § 112, second paragraph, as being vague and indefinite, because the term "type" is, according to the examiner, legally indefinite and needs to be removed. While applicants submitted prior documentation to demonstrate that a Wyoming-type silicate material is well known to those ordinarily skilled in the art, and the examiner has acknowledged as much, for the sake of expediency and advancing prosecution, the term "type" has been removed,

although it should be understood that the meaning of a "Wyoming montmorillonite" or a "Wyoming sodium bentonite" is equivalent to the well understood term "Wyoming-type" of silicate materials.

Claims 1-4, 9-14 and 16 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Schmidt in view of Maxfield. Applicants traverse this rejection because, in addition to the grounds stated in Applicants prior response, the 37 CFR Section 1.131 Affidavit effectively removes Schmidt as a reference. Applicants have noted that the Examiner's final rejection failed to address or consider the submission of the Affidavit in Applicants last response. Accordingly, applicants respectfully request consideration of this Affidavit as effective to remove Schmidt. Since the basis of the final office action rejection depended upon the combination of Schmidt and Maxfield, removal of Schmidt as a reference also removes the basis for the rejection under 35 U.S.C. § 103 (a), and as no other rejections are outstanding, Applicants submit that claims 56 - 70 are allowable. Alternatively, as an independent ground for patentability, the combination of Schmidt and Maxfield would not have suggested the invention as set forth in claims 56 - 70, because the references would not have provided the motivation to combine both a passive barrier type material and an active barrier (oxygen scavenger) into one composite layer as claimed. Moreover, as previously noted, the dramatic rise in oxygen consumption by the oxygen scavenging system of the claimed composite could not have been expected or predicted by either Schmidt or Maxfield. Keeping in mind that if, as the Examiner postulates, an additive combination is expected, the data presented to the Examiner is not a measure of the cumulative effect of passive (platelets) and active (oxygen scavenging) units, but rather a measure of active oxygen scavenging capability by oxygen consumption. Nowhere do any of the references suggest that oxygen consumption rates could be increased by any means, much less by combining active and passive barriers.

The Office Action is silent with regard to Applicant's grounds of unobviousness based on the dramatic increase in oxygen consumption, and Applicants request specific consideration of the data presented in the specification.

For these reasons, Applicants request withdrawal of the rejection under 35 U.S.C. § 103 of claims 56 - 70.

With respect to claims 1-13 and 15-18, the examiner acknowledged that the oxygen scavenging system is different from the prior art of record, in that if the oxygen scavenging system were made a part of the independent claims, prosecution would be advanced. Accordingly, Applicants have re-written independent claim 1 to include all the limitations of claim 14, which specify the oxygen scavenging system. For the reasons previously stated traversing the rejection of Schmidt in combination with Maxfield, Applicants submit that claims 1-13 and 15-18 are also patentable, and allowance of same is requested.

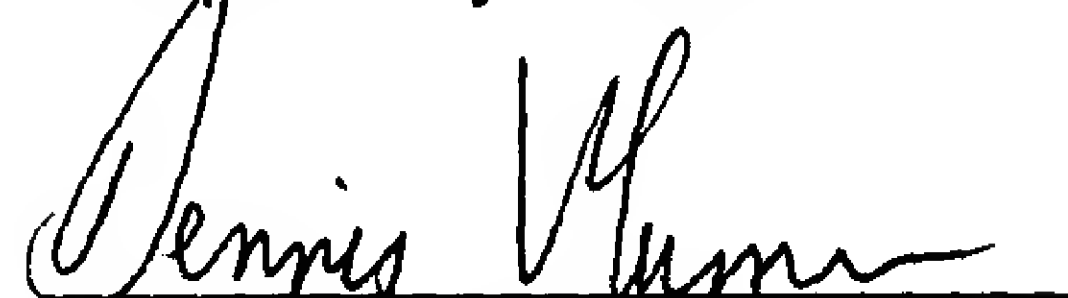
The examiner indicated that claims 5-8, 15, 17, and 18 are objected to. Since these claims were not rejected, and presumably the claims are objected to as being dependent upon rejected claims (although it is not clear from the record on which basis these claims are objected to since the record is silent on this point), Applicants have presented for the examiners consideration newly added claims, in which each merely presented independent claim is directed toward the inclusion of various limitations recited in the objected claims. Accordingly, claim 46 incorporates all the features of claim 1 and an antioxidant. Claim 51 incorporates all the features of claim 1 and a photoinitiator. And finally, claim 30 incorporates all the features of claim 1 and platelet particles present in an amount of up to 30 weight percent. Since none of the features of these claims were rejected under a combination of Schmidt and Maxfield, and these are hereby presented in independent claim format, Applicants respectfully request allowance of same.

In summary, applicants believe that each of the examiners rejections and objections have been addressed. Applicants respectfully request withdrawal of the rejections objections and earnestly solicit allowance of the claims as presented. The examiner is invited to contact the undersigned with any questions related to the prosecution of this application at the number below.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes".

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Respectfully submitted,



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Date

VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the Claims**

Claim 1 (Twice Amended) A polymer-platelet particle composite comprising at least one polyamide, at least one oxygen scavenging system, and platelet particles from at least one layered silicate material, wherein said oxygen scavenging system selected from the group consisting of ethylethically unsaturated hydrocarbons, and a transitioned metal catalyst; escorbate; iscolase sorbate; sulfite; escorbate with an oxygen scavenging catalyst; transition metal complex of a polycarboxlic acid; transition metal complex of polyamine; transition metal complex of salisilic acid; a reduced form of a photo reducable dye compound; carbonyl compound with an absorbance in the ultra violet spectrum; tannin; polyethers; with transition metal catalysts; polyamides with transition metal catalysts; organic compounds having a tertiary hydrogen, bensylic hydrogen, oralilic hydrogen in combination with a transition metal catalyst; and an oxidizable metal olefin combination with a salt.

16. (Once Amended) The composition of claim 1 wherein said layered silicate material is a [Wyoming-type] Wyoming sodium montmorillonite [Wyoming-type] Wyoming sodium bentonite which has been treated with one or more alkoxylated ammonium cations.